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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Turks and Caicos Islands

Working paper prepared by the Secretariat

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I. General

1. The Turks and Caicos Islands is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory comprises 40 islands (with 6 of them permanently inhabited) and cays, which lie 145 kilometres north of Haiti and the Dominican Republic and 925 kilometres south-east of Miami, United States of America. The area of the Territory is 948.2 square kilometres.[1]

2. The Turks and Caicos Islands were discovered by Spain in 1512. From 1874 to 1959, the Islands were governed by the United Kingdom of Great Britain and Northern Ireland as a dependency of Jamaica. They became a separate colony of the United Kingdom in 1962, under the control of the Bahamas. When the Bahamas achieved independence in 1973, the Turks and Caicos Islands were placed under a British Governor stationed in Grand Turk.

3. Actuarial evidence gathered in September 2009 indicates a population of no more than 32,000, a reduction from earlier estimates. Of those, around 9,700[2] are citizens of the Turks and Caicos Islands, the so-called "belongers", who have the right to vote and to stand in general elections. Belonger status is granted by the territorial Government based on length of residence in the Territory, contribution to society and how well one has assimilated into the community. One may also become a belonger through marriage. The balance of the population, mostly from Haiti and the Dominican Republic, as well as the United States of America, Canada, the United Kingdom and other European countries, are considered "non-belongers".[1]

4. In a report issued on 6 July 2008, the United Kingdom Foreign Affairs Committee, while recognizing that extending voting rights to non-belongers would be politically difficult, encouraged territorial governments to review this issue with regard to non-belongers who have resided in an Overseas Territory for a reasonable period. The report also recommended that the rights of non-belongers should remain on the agenda of the Committee.[3]

5. Nearly two thirds of the belonger population and the great majority of the expatriate community reside on Providenciales. The second largest population centre is Grand Turk, followed by North, Middle and South Caicos and Salt Cay.[1] English is the main language, with French, Creole and Spanish becoming more common, particularly among the Haitian and Dominican Republic communities. The main religion in the Territory is Christianity.

II. Constitutional, legal and political issues

6. The basis of the relationship between the United Kingdom Government and its Non-Self-Governing Territories is set out in a 1999 white paper, entitled

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Note: The information contained in the present paper has been derived from published sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations.

[1] Turks and Caicos Islands, Department of Economic Planning and Statistics, accessed at www.depstc.org.

[2] Information provided by the administering Power, 29 December 2009.

[3] Seventh report of the Foreign Affairs Committee, session 2007/08, Overseas Territories.

"Partnership for Progress and Prosperity: Britain and the Overseas Territories".[4] The British Overseas Territories Act 2002 granted the right of British citizenship to "British Overseas Territory citizens". The Constitution that came into effect in the Turks and Caicos Islands on 9 August 2006 was negotiated between the Territory and the United Kingdom Government.

7. Under the 2006 Constitution, the Turks and Caicos Islands operated until 14 August 2009[2] on the basis of a ministerial system of Government, with a Governor in the Territory appointed by the administering Power. Information on related developments was set out in the 2009 working paper (A/AC.109/2009/10), and is reflected and updated below.

8. Under the 2006 Constitution, the Governor is responsible for external affairs, defence, internal security, including the police force, and some public service matters, including the regulation of international financial services, and consults with a Cabinet as necessary. Other portfolios are administered by the various cabinet ministers. The Governor acts on the advice of the Cabinet on these matters unless otherwise instructed by the Secretary of State on behalf of the administering Power. An Advisory National Security Council, chaired by the Governor, makes recommendations to the Cabinet on national security issues. The 2006 Constitution created the position of Deputy Governor, who must be a belonger, and is appointed by the Governor. As previously reported, Governor Gordon Wetherell was sworn into office on 5 August 2008.

9. Further, under the 2006 Constitution, there shall be a Cabinet for the Territory, which shall consist of the Governor; a Premier appointed by the Governor; six other ministers appointed by the Governor from among the elected or appointed members of the House of Assembly, one of whom may be appointed by the Governor, on the advice of the Premier, as Deputy Premier; and the Attorney General, with the executive authority of the Turks and Caicos Islands is vested in the British Crown.

10. In addition, there shall be a legislature for the Turks and Caicos Islands, which shall consist of the British Crown and a House of Assembly, comprising a Speaker, 15 elected members, 4 appointed members and the Attorney General.

11. There are two main political parties in the Territory: the People's Democratic Movement and the Progressive National Party (PNP), formed in 1975 and 1980, respectively. The most recent general election was held on 9 February 2007 with a voter turnout of 85 per cent. The ruling Progressive National Party, under Premier Misick, won 13 seats, against 2 won by the People's Democratic Movement. The next general election is due by July 2011.

12. The legal system of the Territory is based on English common law. Under the provisions of the 2006 Constitution, it includes magistrates' courts, the Supreme Court and the Court of Appeal, with ultimate recourse to the Privy Council. On the advice of the Judicial Service Commission, the Governor appoints judges and magistrates.

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[4] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", White Paper submitted to the House of Commons on 17 March 1999 by the United Kingdom Secretary of State for Foreign and Commonwealth Affairs; reproduced in A/AC.109/1999/1 and Corr.1, annex.

13. As previously reported, the Foreign Affairs Committee of the United Kingdom House of Commons began a comprehensive inquiry in July 2007 into the exercise by the Foreign and Commonwealth Office of its responsibilities in relation to the Overseas Territories. On a separate issue, the Foreign Affairs Committee also questioned then-Premier Misick about allegations of substantial financial impropriety taking place in the Turks and Caicos Islands, including at the Government level. A subgroup of the Committee visited the Territory in March 2008 and investigated the situation on the ground.[2] In its report published on 6 July 2008, the Foreign Affairs Committee expressed concern about serious allegations of corruption in the Territory.

14. In July 2008, the former Governor appointed a Commission of Inquiry, comprising a Commissioner and support staff, to examine whether there was information that corruption or other serious dishonesty in relation to past and present elected members of the House of Assembly might have taken place in recent years, and to report its preliminary findings and recommendations to the Governor. The Commissioner's interim report was published by the Governor on 16 March 2009. Inter alia, it expressed the view that "clear signs of political amorality and immaturity and of general administrative incompetence, have demonstrated a need for urgent suspension in whole or in part of the Constitution and for other legislative and administrative reforms".

15. The Commissioner delivered his final report to the Governor on 31 May 2009. According to information provided by the administering Power therein, the Commissioner confirmed the conclusion reached in his interim report that there was information in abundance pointing to a high probability of systemic corruption and/or serious dishonesty in the Territory. In his view this, together with clear signs of political amorality and immaturity as well as of general administrative incompetence, demonstrated a need for urgent suspension of the Constitution, in whole or in part, and for other legislative and administrative reforms. He also recommended the institution of criminal investigations in relation to former Premier Misick and four of his former Cabinet ministers.[2]

16. While the above-mentioned developments were ongoing, on 19 December 2008, the Governor had prorogued the House of Assembly *sine die*, at the request of the then-Premier, who subsequently, in February 2009, stepped down as leader of PNP and resigned as Premier the following month. Galmo Williams, the former Home Affairs Minister who had been elected as PNP leader, served as the next Premier of the Turks and Caicos Islands from 23 March to 14 August 2009.[2]

17. As previously reported, in the light of the accumulation of evidence in relation to the Turks and Caicos Islands, and fortified by the Commissioner's interim report, the United Kingdom formed the view that parts of the Territory's Constitution would need to be suspended and took steps to do so. A draft order was submitted to the British Crown in Council at a meeting on 18 March 2009 and was laid before Parliament on 25 March. According to the administering Power, on 14 August 2009, under instruction from the United Kingdom Government, the Governor suspended parts of the Constitution, removing the Cabinet, the House of Assembly and references to ministerial and related powers and suspending the right to trial by jury.

18. The order in Council leaves in place important elements of the Constitution, such as the chapter on fundamental rights and provisions relating to the Governor, the courts and the public service. Powers and functions formerly exercised by the

Premier and Ministers are now exercised by the Governor acting in his discretion, including in relation to public finances, legislation and necessary regulatory reform.

19. Earlier in the year, in his statement at the Caribbean regional seminar convened under the auspices of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Saint Kitts and Nevis from 12 to 14 May 2009, Premier Williams expressed the position that, by suspending the Constitution of the Territory, the United Kingdom Government had failed to meet its obligations to allow the people of the Turks and Caicos Islands to determine their own destiny.

III. Budget

20. The budget is usually projected on a triennial basis, with annual revisions. The fiscal year covers the period from April to March.

21. Until the recent global financial crisis hit, the overall economy of the Territory had grown rapidly. However, the economic crisis had a profound effect on the Turks and Caicos Islands. According to the administering Power, 2007/08 and 2008/09 revenue forecasts were too optimistic, while expenditure failed to fall accordingly. As a result of this and the uncertainty surrounding the Government in 2009, the Territory's budget for 2009-2010 was not completed until October 2009. That budget forecasts revenues of just $150 million, down from over $200 million the previous year. Meanwhile, the Turks and Caicos Islands Government had debts of some $130 million, including $56 million in unpaid liabilities accrued over the last two years.[2]

22. In his first quarterly report following the suspension of parts of the Constitution, the Governor listed his priorities to reduce expenditure, increase revenue, contain the debt and secure the best terms available for debt repayment.

23. The Territory's interim Chief Executive Officer, appointed following the suspension of parts of the Territory's Constitution, told the media[5] that his administration's first priority was to control expenditure before addressing the next challenge, the revenue shortfall. Given that the Islands' revenues are generated mainly by taxes related to tourism and land sales, both of which fluctuate unpredictably, a way had to be found to even out the revenue stream in order to create a stable economy. Among solutions to this problem, he identified a reformed tax system as having the primary potential for the necessary revenue growth. Meanwhile, efforts would intensify to collect outstanding fees and taxes. Currently, the territorial Government levies no taxes on corporate or personal income, capital gains or inheritance.

24. In early January 2010, according to local media reports, the Governor announced at a news conference that the United Kingdom Government had given the green light to secure an $85 million loan from an international lending agency, with a view to alleviating part of the Government debt. Once details of the loan had been worked out, it would be debated in the form of a supplementary appropriation bill.

[5] *fp Turks and Caicos*, http://diplomaticlogic.com.

25. In recent years, the Turks and Caicos Islands has received funding from the European Union and multilateral agencies, in addition to some funds from the United Kingdom. Under the European Development Fund's ninth allocation from 2000-2007, the Turks and Caicos Islands received $13 million in funding. Following a midterm review, the existing budget support programme was increased by an additional $6 million, focusing in general on transport and in particular on port and road infrastructure. However, the third tranche of that allocation was suspended after the Government of the Turks and Caicos Islands failed to meet agreed fiscal targets, and the European Union decided instead to consider technical assistance. The tenth European Development Fund allocation for the period 2008-2013 for the Turks and Caicos Islands amounts to $18.6 million. According to the administering Power, the Turks and Caicos Islands has just started to put together its bid.

IV. Economic conditions

A. General

26. Since the 1980s, the main sectors of the economy have been upmarket tourism, offshore financial and business services, fishing, property development and real estate. Foreign investors, mainly from Canada, the United Kingdom and the United States, have played a significant role in the economic life of the Islands. Economic activity is concentrated on the most populous islands of Providenciales and Grand Turk.[6]

27. Since most of the Islands' requirements for capital and consumer goods, including all fuels, are met through importation, there is a large structural trade deficit. The United States is the most important supplier of goods to the Islands. The value of total merchandise exports in 2008 was $24.8 million against an import bill of $591.2 million. The trade deficit is largely financed by earnings from tourism and offshore finance.

28. The United States dollar is the official currency of the Turks and Caicos Islands.

29. According to the Economist Intelligence Unit, real gross domestic product is estimated to have shrunk by 5.0 per cent in 2009, down from 2.2 per cent growth in 2008, following years of double-digit growth rates.

B. Tourism

30. After years of strong tourism growth between 1995 and 2007, 2008 saw a drop-off in tourism figures. The latest Government figures provided by the administering Power show land-based tourist arrivals in 2009 to September at 222,834 and cruise ship passenger arrivals in the period from January to July 2009 at 237,113. Land-based arrivals in 2008 were 256,086 and 243,435 in 2007. Cruise passenger arrivals in 2008 were 237,871. According to the Hotel and Tourism Association, hotel occupancies in 2008 averaged approximately 60 per cent; as at December, the 2009 figure stood at around 50 per cent.

[6] See www.eiu.com, Country profile, Turks and Caicos Islands 2008.

31. Some high-end resorts on the Islands have suffered from funding cuts, and others, still in the planning stage, appear unlikely at present to secure financing. The administering Power indicates that this has severely impacted economic growth (and Government revenues) in 2009, and will impact growth prospects for 2009-2010 and beyond.

32. According to the territorial Government's website, in October 2009 the Governor formed a Tourism Working Group to develop recommendations relating to the promotion of the Turks and Caicos Islands as a tourist destination. The Group was tasked to consider the respective roles of the private and public sectors; the most appropriate institutional arrangements for marketing tourism in the Islands; any related legislative measures that might be necessary, and the most appropriate source of funding for such institutions. The Working Group expected to submit its draft conclusions to the Governor by the end of November 2009.

C. Financial services

33. Financial services, including company registration, trust business and insurance, are the second largest source of external revenue after tourism and the third largest employer in the Turks and Caicos Islands, according to the Economist Intelligence Unit. The absence of direct taxation, fast and straightforward company registration procedures, financial infrastructure and extensive financial freedom and confidentiality continue to be among the attractions for offshore companies. There are three international commercial banks in the Territory, FirstCaribbean Bank, Scotiabank and Royal Bank (all Canadian).

34. In late 2008, the United Kingdom Treasury commissioned a review of its offshore financial centres, including long-term opportunities and challenges facing jurisdictions such as the Turks and Caicos Islands. A report published on 29 October 2009 set out a number of benchmarks that jurisdictions should expect to meet on tax information exchange, financial regulation, anti-money-laundering and countering the financing of terrorism. It also recommended that public finances be put on a firmer footing by diversifying their tax bases.[2]

35. In December 2009, the Turks and Caicos Islands joined the Organization for Economic Cooperation and Development list of jurisdictions that have substantially implemented the internationally agreed tax standards ("white list"), having signed 12 agreements on tax information exchange, thereby substantially implementing the internationally agreed standard on transparency and information exchange.

36. The general approach of the Government of the United Kingdom had been to work with regional technical assistance providers such as the International Monetary Fund and with Territory agencies to enhance their own systems to detect, investigate and prosecute money-laundering and other suspected abuses.

D. Agriculture, fisheries and construction

37. Agricultural production is limited by the lack of fresh water and consists mainly of the growing of vegetables and citrus fruits on the Caicos Islands. Around 20 per cent of the Territory's working population is involved in agriculture and fishing.

38. The main productive primary sector is fishing. Lobster, conch and other marine creatures make up the largest component of exports. The latest available data show that agriculture and fishing contributed only 0.9 per cent of the Territory's gross national product in 2007.

39. In recent years, the territorial Government has invested heavily in infrastructure projects, such as roads, ports and airports, including the construction of two new hospitals. However, according to the administering Power, there has been a significant decline in construction activity since 2007, when this sector was buoyed by work on tourism projects and commercial and residential property, with downside risks on the demand and supply sides being realized. In the context of the growing financial crisis, construction in general and that of hotels in particular has slowed down.

E. Transport and communications

40. Transport and communications facilities are of fairly good quality. The road network covers about 120 kilometres, with 24 kilometres of paved roads on Grand Turk, Providenciales and the Caicos Islands. As reported previously, financing from the European Development Fund was secured to build a new causeway to link the two largest Caicos Islands (North and Middle). The causeway was officially opened in October 2007. It was substantially damaged by Hurricane Ike in October 2008, but remains usable.[2]

41. The Turks and Caicos Islands has three international airports — the main one on Providenciales, and much smaller ones on Grand Turk and South Caicos. There are also landing strips on Salt Cay, Pine Cay, Parrot Cay, Middle Caicos and North Caicos. Non-stop flights are available from Atlanta, Boston, Charlotte, Miami, New York and Philadelphia in the United States, and from London and Toronto, Canada. Flights from Dallas-Fort Worth, Texas, and Washington, D.C., are planned to commence in early 2010.[2] Regional services operate to the Bahamas, the Dominican Republic, Haiti and Jamaica.

42. The expansion project at Providenciales Airport started in 2009 and will include a resurfaced and extended runway allowing for larger aircraft to land. The facility will have all the modern amenities meeting the international standards. In January 2010, it was announced that the Airports Authority, in conjunction with the Turks and Caicos Islands Government, had secured the loan needed to kick-start the project, which was expected to commence in a matter of months.

43. As reported previously, the main commercial port (South Dock) is situated in Providenciales. Grand Turk also has a commercial port, and a new deep water port in North Caicos was completed in 2007.

44. Originally there were 12 cable television channels on Grand Turk, but following the damage caused by Hurricane Ike in 2008, it has only been possible to reintroduce 4 channels, with large parts of the island yet to be connected, according to the administering Power. In addition, there are 32 channels[2] on Providenciales, and six radio stations. A new national television channel with the Turks and Caicos Islands New Media Network went on the air on 28 January 2008, but was closed

down in November 2009 for financial reasons.[7] There are no daily newspapers, but the first daily online news forum for the Turks and Caicos Islands, established by the Turks and Caicos television network WIV4, was launched in November 2007.[8] The *Turks and Caicos Weekly News* and *Turks and Caicos Sun* are published weekly. The *Turks and Caicos Islands Free Press* is published once every two weeks. The *TCI Journal* is a web-based political publication that started in December 2007 as a result of Government censorship of a television programme sponsored by the opposition party.[2]

V. Social conditions

45. The Government of the Turks and Caicos Islands has over the years acknowledged the need to address considerable imbalances among the various islands and social groups. One measure taken was the launch of a 10-year national development plan on 27 October 2005, reported in the 2007 working paper (A/AC.109/2007/5), with the aim of providing a long-term vision for the Territory's development and a strategic framework for Government and private sector activities. In a press interview, Chief Executive Stanley commented on the hard living conditions that he witnessed on his visit to various islands such as South Caicos or Salt Cay, where he found some people to be vulnerable and neglected, with limited resources and limited access to them. He indicated that the Government would move to relieve those problems as quickly as possible, and indicated the need to develop a social policy to address such situations.

A. Immigration and labour

46. The population is concentrated mainly on Providenciales. Grand Turk Island is the second-most populated. A marked increase in immigration and population growth since 2000 has raised the officially estimated population to 36,605 in 2008, an increase of around 83 per cent since the last national census in 2001. The main employer is the Government, which employs around one third of the working population.

47. Unemployment, which declined to 5.4 per cent in 2007 reflecting increased economic activity related to construction and tourism, has risen since, owing largely to the global economic crisis. An estimate for 2009 puts the figure at 10 per cent.[9] The Department of Economics, Planning and Statistics estimated that in 2007 the Turks and Caicos labour force stood at 20,711.[1]

48. Temporary migrant workers, mainly from Haiti and the Dominican Republic, form a major part of the labour force in tourism and construction. Haitians remain the second largest group of employees after Turks and Caicos islanders. Inter-island migration by people in search of work is common.

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[7] In *TCI Mall-Turks and Caicos Community*, www.tcimall.tc, 3 March 2008; see also www.tcinewmedianetwork.tc/index03.html.

[8] See wiv4.wordpress.com/about-2/.

[9] Central Intelligence Agency, *The World Factbook 2009*.

49. Certain social problems, such as overcrowding, housing shortages, the lack of running water and an increase in the number of female-headed households, continue to affect migrant workers known to be living in overcrowded makeshift camps.[10]

50. While former Premier Misick drew attention to the problem of illegal immigration in December 2007, estimating that on average 400 to 500 Haitians arrived by boat each week, according to the administering Power, accurate statistics for illegal immigration are not available and the numbers are thought to be less than those estimated by the territorial Government.

51. As previously reported, in the annual 2008 Foreign Affairs Committee report, it was recommended that the Foreign and Commonwealth Office should provide a regular Royal Navy presence in the coastal waters of the Turks and Caicos Islands to assist with patrols and that it should consider with the Government of Haiti further measures to prevent Haitians leaving Haiti by boat from entering the Territory illegally.[3]

B. Education, youth and sports

52. Education in the Territory is free and compulsory for children from 5 to 16 years of age. There are 39 schools on the Islands, with a total enrolment of 5,257, covering preschool through tertiary education. Of these, 14 are Government-run schools, 10 primary schools and 4 high schools. Although there are more private than public schools, more students are enrolled at public schools (3,291) than at private ones (1,966).[1] The adult literacy rate is estimated at 98 per cent. The rate among immigrants is much lower.

53. As to higher education, there is a community college with branches on Grand Turk and Providenciales that provides two-year courses, mostly in vocational subjects. The Territory opened its first hotel school on 6 January 2007. It offers specialized courses to help interested Turks and Caicos islanders enter the tourist industry. A new branch of Education for Advancement is now offering education at various levels in business and management, finance, information technology, criminology, education, human resources, emergency and risk management and media and communications.

54. In July 2008, the Government announced that students who had recently graduated from high school would have to wait for college scholarship approvals, as a result of financial shortfalls in the budget. Arrangements were put in place for 20 scholarships in the academic year 2009/10. Media reports in November 2009 indicated that financial difficulties continued to jeopardize the overall scholarships programme.[11]

55. Since January 2007, citizens from the Overseas Territories have benefited from the home student fee rate at English universities.[12]

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[10] See tcweeklynews.com, 8 October 2007, and www.suntci.com, 20 November 2007.

[11] *Turks and Caicos Sun*, 18 November 2009.

[12] http://www.fco.gov.uk, 23 November 2006, Lord Triesman, Overseas Territories Minister, eighth meeting of the Overseas Territories Consultative Council on 21 and 22 November 2006.

C. Health care

56. Information received from the administering Power indicates that two hospitals are currently being built, one on Grand Turk (10 beds) and the other on Providenciales (20 beds). The hospitals, which are to be completed in 2010, are a public-private partnership project, with both of them to be operated by Interhealth Canada (an international hospital management company, jointly owned by private- and public-sector organizations) for 25 years before being transferred to the Government.

57. The public hospital network is currently comprised of the main facility, the Grand Turk Hospital, and the Myrtle Rigby Health Clinic, located on Providenciales. There are nine community health clinics on six islands: a 30-bed health complex on Grand Turk, a Government clinic on Providenciales, two clinics on Middle Caicos and two on North Caicos, a clinic on South Caicos and one on Salt Cay.[13] The two new hospitals are expected to be in operation sometime in 2010.

D. Crime and justice

58. Releasing crime statistics for 2009, the Turks and Caicos Islands Police Commissioner indicated that crime figures between 2008 and 2009 showed a reported increase of 38 per cent, the increase being attributed mainly to robbery and robbery using firearms. He also said that a programme launched two years ago aimed at encouraging the public to turn in unregistered weapons had met with minimal success. Meanwhile, the Assistant Police Commissioner said that 93 per cent of burglaries went unsolved, as well as 84 per cent of all thefts. Burglaries and thefts together amounted to 52 per cent of all crime included in the annual statistics. Meanwhile, the Police Commissioner encouraged the public to engage with the police as community volunteers, and participants in the Community-Assisted Police Patrols Programme.[14] According to the media, the Governor has indicated that he expects help in these areas from the United Kingdom in the shape of experienced police officers.

E. Environment

59. The Turks and Caicos Islands has an important environmental legacy to protect. Its wetlands are renowned, and the Islands' coral reefs, tidal flats, mangroves and marshlands provide a home for many unique wildlife, plants, reptiles, invertebrates and birds.

60. According to the United Kingdom Overseas Territories Conservation Forum,[15] the East Caicos, Middle Caicos and North Caicos wetland complex forms probably the best example of its type in the Caribbean. It is also the most natural among the 125 wetlands of international importance listed by the United Kingdom Government under the Ramsar Convention on Wetlands, 1971. According to the Forum, on Providenciales, the wetlands have suffered severe environmental degradation as a result of rapid development for real estate and tourism, although areas of value

[13] Kairi Consultants Limited, Main Situational Analysis Report, October 2006, p. 81.

[14] *Turks and Caicos Sun*, 1 February 2010.

[15] www.ukotcf.org, accessed on 26 February 2010.

remain through the protected area and national parks system. The Forum considers that an even greater threat to the natural environment is posed by proposals for major developments on the uninhabited islands — prime habitats for unique species such as rock iguana and the remaining breeding sites for turtles. The adoption of an eco-tourism approach is cited as having the potential to help to prevent the destruction of the natural habitat and safeguard the biodiversity, cultural heritage and natural beauty of the Islands.

61. In the aftermath of a major oil slick caused when a cargo ship ran aground off Providenciales in February 2009, the Department of Environment and Coastal Resources decided to take the lead in preparing a draft oil spill contingency plan, since the Turks and Caicos Islands were not prepared for that type of disaster, which could potentially be devastating to the Territory's natural environment.[16]

62. The Environmental Enhancement Committee of the Turks and Caicos Islands is working on enhancing public awareness regarding environmental issues and promoting remedial activities regarding the proper storage and disposal of solid waste as direct and associated implications are adverse and far-reaching.[16]

VI. Relations with international organizations and partners

63. In March 2006, the Turks and Caicos Islands was granted associate membership in the Economic Commission for Latin America and the Caribbean. The Territory was admitted as an associate member of the Commission's Caribbean Development and Cooperation Committee in early 2008.

64. The Turks and Caicos Islands is an associate member of the Caribbean Community and of the Association of Caribbean States. The Territory is a member of the Caribbean Development Bank and the International Criminal Police Organization. According to the administering Power, closer links are being sought with the Organization of Eastern Caribbean States and with the neighbouring Bahamas.

65. Along with 17 Caribbean nations, the Turks and Caicos Islands forms part of a World Bank catastrophe insurance pool established to assist the Islands in the event of natural disasters.

66. In the context of the Overseas Territories Consultative Council meeting held in London on 28 and 29 October 2008, the territorial Government agreed upon the target date of October 2009 to achieve the extension of International Labour Organization (ILO) Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and of the Convention on the Elimination of All Forms of Discrimination against Women and to consider the options available to meet international obligations on sexual orientation.[17]

67. Information on United Nations system activities involving the Turks and Caicos Islands, including on consultations concerning the ILO international labour conventions and international labour recommendations, can be found in document E/2006/47.

[16] *Turks and Caicos Sun*, February 2010.

[17] See www.fco.gov.uk, 30 October 2008.

68. Upon the request of the Turks and Caicos Islands, the Territory is not subject to the overseas association decision implementing part IV of the European Union Treaty. The arrangements with the European Union for association are not applied to the Turks and Caicos Islands, in accordance with the wishes of the Government.[18]

69. In August 2008, stakeholders met in the Turks and Caicos Islands with the Caribbean human rights coordinator of a four-year project, carried out since 2007 by the Commonwealth Foundation, the Commonwealth Legal Education Association and the Commonwealth Human Rights Initiative. The project is funded by the administering Power with a view to helping the United Kingdom overseas territories to conform with international standards concerning human rights obligations and to develop action plans. At the meeting, human rights capacity-building in the British Overseas Territories of the Caribbean, Pacific and South Atlantic project was discussed.[19] In June 2008, the Human Rights Commission Ordinance was brought into force, which established the Human Rights Commission. The Advisory Council has submitted a request to the United Kingdom Government for the extension of ILO Convention No. 182 to the Turks and Caicos Islands, and has agreed that the right of individual petition to the European Court of Human Rights be extended to the Turks and Caicos Islands indefinitely.

VII. Future status of the Territory

A. Position of the territorial Government

70. Information on political and constitutional developments regarding the status of the Turks and Caicos Islands is reflected under section II.

B. Position of the administering Power

71. As reflected in the record of the meeting (A/C.4/64/SR.2), in a statement made on 5 October 2009 before the Special Political and Decolonization Committee (Fourth Committee) during the sixty-fourth session of the General Assembly, the representative of the United Kingdom said, inter alia, that where the people of any of its Overseas Territories clearly and constitutionally opted for independence, the United Kingdom would help them to achieve it. Where instead a Territory wished to retain links, the United Kingdom would safeguard that Territory's future development and continued security, and would hold regular annual political consultations with it. Meanwhile, the respective territorial constitutions governed the relationship between the United Kingdom and its Overseas Territories and were regularly updated, carefully considering all proposals for constitutional change received from the Territories. A number of such new constitutions had come into force since 2006.

72. The representative of the United Kingdom stated that maintaining high standards of probity and governance was a cornerstone of British administration of the Territories. The United Kingdom Government was committed to allowing each Territory to run its own affairs responsibly as far as possible, but when developments

[18] European Commission, 18 March 2008, accessed at http://ec.europa.eu/development/geographical/regionscountries/countries/country_profile.cfm?cid=tc&type=short&lng=en.

[19] See www.caribbeannetnews.com.

in a Territory gave cause for concern or a Territory failed to fulfil international obligations, the United Kingdom would not hesitate to raise the matter with the territorial Government and intervene where necessary.

73. In that connection, he referred to the case in the Turks and Caicos Islands, where in 2008 an independent commission of inquiry had reported dire financial mismanagement and made over 60 recommendations covering systemic weaknesses, criminal sanctions, public integrity and land allocation, sale and management. In August 2009, his Government had consequently instructed the Governor of the Turks and Caicos Islands to suspend the government and legislature and automatic right to trial by jury. The decision to do so had not been taken lightly. The suspension would last for a period of up to two years to allow the Governor to restore good governance, sustainable development and sound financial management to the Islands while he worked under an interim constitution with an advisory council to formulate policy and a consultative forum to allow the people's voice to be heard. It remained the United Kingdom's intention that elections should be held in July 2011, if not sooner.

C. Action by the General Assembly

74. On 10 December 2009, the General Assembly adopted without a vote resolutions 64/104 A and B, based on the report of the Special Committee transmitted to the General Assembly[20] and its subsequent consideration by the Special Political and Decolonization Committee (Fourth Committee) (A/64/413). Section X of resolution 64/104 B concerns the Turks and Caicos Islands. Under that section's operative paragraphs, the General Assembly:

> 1. *Recalls* the Constitution of the Territory, which took effect in 2006, and notes the view of the former territorial Government that there remains scope for a degree of delegation of the Governor's power to the Territory so as to secure greater autonomy;
>
> 2. *Requests* the administering Power to assist the Territory by facilitating its work concerning public outreach efforts, consistent with Article 73 *b* of the Charter of the United Nations and, in that regard, calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested;
>
> 3. *Notes with concern* the ongoing situation in the Turks and Caicos Islands, and also notes the efforts of the administering Power to restore good governance and sound financial management in the Territory;
>
> 4. *Calls for* restoration of constitutional arrangements providing for representative democracy through elected territorial Government as soon as possible;
>
> 5. *Welcomes* the continuing efforts made by the Government addressing the need for attention to be paid to the enhancement of social cohesion across the Territory.

[20] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 23* (A/64/23).